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Document Marking

April 1990

United States Air Force
Scientific and Technical Information Program
Management of STINFO

USAF STINFO MANAGEMENT 90/4

AD-A231 150

Secretary of the Air Force
Deputy for Scientific and Technical Information (SAF/AQT)
The Pentagon
Washington, DC 20330-1000

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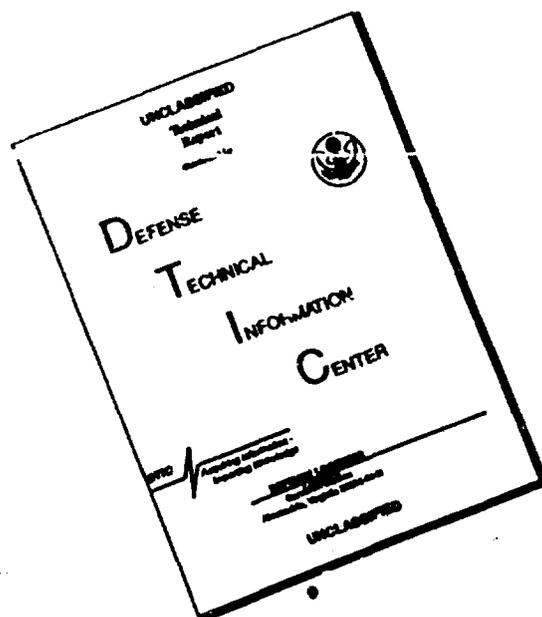
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12a. DISTRIBUTION/AVAILABILITY STATEMENT

Approved for public release; distribution unlimited.

12b. DISTRIBUTION CODE

13. ABSTRACT (Maximum 200 words)

This document describes the DoD document marking system. The two basic purposes are discussed: (1) to identify documents that contain export-controlled information, the dissemination of which is set by statute, and (2) to facilitate dissemination by explicitly indicating the extent of secondary distribution permissible without further authorization by the originator. This document provides summary information about the Technical Document Distribution Program and the Export-Control Program, two separate and distinct programs. This document may be used in conjunction with its companion video, or separately.

14. SUBJECT TERMS
STINFO, USAF, Management, STINFO Program management, Videorecording, Document marking, Distribution limitation, Export control, Security

15. NUMBER OF PAGES
25

16. PRICE CODE

17. SECURITY CLASSIFICATION OF REPORT	18. SECURITY CLASSIFICATION OF THIS PAGE	19. SECURITY CLASSIFICATION OF ABSTRACT	20. LIMITATION OF ABSTRACT
UNCLASSIFIED	UNCLASSIFIED	UNCLASSIFIED	UL

1. To introduce the topic of document marking.

Script:

The Department of Defense document marking system has two basic purposes. Namely, one, to identify documents that contain export-controlled information, the dissemination of which is controlled by statute or regulation, and two, to facilitate dissemination of technical data by indicating the extent of secondary distribution that is permissible without further authorization or approval of the originator. In short, getting information to those who need it while protecting it from unwanted transfer.

There are four separate DoD programs involved with regulating the flow of our technology.

```
TECHNOLOGY  REGULATING  PROGRAMS
              ---
     1.  INFORMATION  SECURITY
     2.  PRE-RELEASE  REVIEW
     3.  TECHNICAL  INFORMATION  REVIEW
     4.  EXPORT  CONTROL
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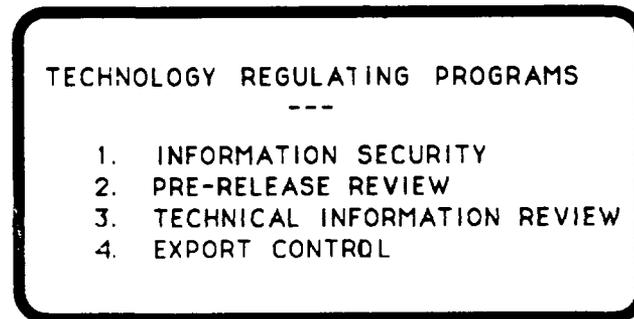
These programs are: one, the Information Security Program, which pertains to the protection of national security information and involves classification markings; two, the Pre-Release Review Programs, which pertain to the reviews carried out by the Public Affairs Offices and the Foreign Disclosure Policy Offices prior to the release of information; three, the Technical Document Distribution Program, which, through the use of distribution statements, provides for the dissemination of unclassified and classified DoD technical information ; and four, the Export-Control Program, which, through the use of an export-control statement, provides a system for releasing technical data which may be withheld from public dissemination.

This video provides summary information about the markings associated with the last two of these programs, the Technical Document Distribution Program and the Export-Control Program. It is important to note that these are separate and distinct marking systems.

## 2. The purpose of the distribution statements and DoD policy. To summarize what is and isn't covered.

```
AIR  FORCE  POLICY  IS  TO
\\\\\\\\\  PROVIDE ///////////
///////////              \\\\\\\\\\\\
INFORMATION,  NOT  WITHHOLD  IT
```

Script:

The purpose of the distribution statement is to denote the extent of the availability of that item for further distribution without additional authorization. It is Air Force policy to provide information to those who have a legitimate need for it.

All technical information, including production, engineering, and logistics information, if it is to be disseminated outside of the Department of Defense, must be marked with one of the distribution statements which will be discussed, and in addition, with an export-control law statement if it applies. The term "all technical information" is very broad and includes reports, handbooks, engineering drawings, blueprints, technical manuals, presentations, maps, viewgraphs, journal articles, films, videos, audio tapes, specifications and standards, drawings, microfiche, and any other potential physical form that the technical information can take such as diskettes.

```
TO DENOTE THE AVAILABILITY
OF THE DOCUMENT
FOR SECONDARY DISTRIBUTION
WITHOUT FURTHER APPROVAL
```

```
THE DISTRIBUTION SYSTEM
ALLOWS FOR DATA TO BE
WITHHELD FROM SECONDARY
DISTRIBUTION WHEN APPROPRIATE
```

```
ALL TECHNICAL INFORMATION
IF IT LEAVES DOD,
NO MATTER WHAT FORM
MUST BE MARKED
```
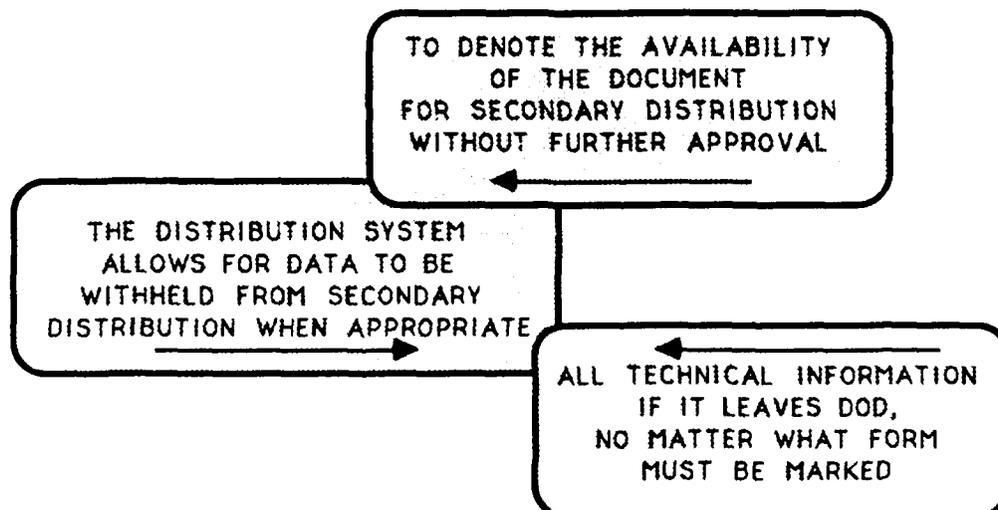
3. The major documents to be aware of.

Script:

There are a number of documents that provide guidance and instruction on the marking systems. The major documents to be aware of are:

AFR 80-34, "Withholding of Unclassified Technical Data from Public Disclosure" which establishes policies and procedures for withholding technical data from public disclosure.

AFR 80-45, "Distribution Statements on Technical Documents" which establishes the distribution marking system for technical information within the Air Force.

AFP 80-30, "Marking Documents with Export-Control and Distribution-Limitation Statements," describes the export-control marking system, and assists users in determining whether or not a specific item is subject to export-control. (Amended by DoD Directive DoDD 5230.24, 18 March 1987, Distribution Statements on Technical Reports.)

DoD 5230.25-PH, "Control of Unclassified Technical Data with Military or Space Application," is a supporting pamphlet describing the entire marking system. It is very concise and recommended for anyone needing a quick overview of the main aspects of the distribution and export-control marking systems.

Military Standard 1806, "Marking Technical Data Prepared by or for the Department of Defense," is a new standard, approved as of February 1990, that covers all aspects of the distribution and export-control marking systems.

The Commodity Control List, which is contained within the Export Administration Regulations, is used by the Department of Commerce to establish controls and licensing procedures for the export of a wide variety of goods and services that are not unique to the military, but have national security interest. This includes technical data and software.

The United States Munitions List, which is contained within the International Traffic in Arms Regulations, is used by the Department of State to control the export of defense goods and services, including both classified and unclassified technical data.

MCTL, "The Militarily Critical Technologies List," is the detailed list of technologies that the DoD assesses as being crucial to our military capabilities and of significant value to potential adversaries. It is used as an additional reference document during the publication review process and in reviewing export license applications.

DD Form 2345, "Export-Controlled DoD Technical Data Agreement," the form used to certify any non-government company or individual seeking access to information marked as Export-Controlled as being eligible to receive export-controlled data.

DTIC Form 55, "Request for Release of Limited Document," the form used to request access to a document when the requestor falls outside the intended audience as designated by the distribution statement.

4. The distribution statements and the reasons to apply specific markings. The optional destruction notice. The use of "For Official Use Only."

Script:

The distribution statement is used to authorize the **secondary** distribution of the information to an intended audience. The distinction between primary and secondary distribution is very important. The primary distribution is to the specific audience for the information and can include anyone capable of handling the classification and export-control aspects of the material. Secondary distribution is when someone not included in the initial primary distribution wants a copy of the information. In the case of a technical report, primary distribution would be when the report is initially sent to the addressees on that organization's distribution list. Secondary distribution would take place when someone later orders a copy of the report from DTIC or any other repository.

```
PRIMARY

DISTRIBUTION

IS TO THE AUDIENCE TARGETED
BY THE AUTHOR TO RECEIVE
THE INFORMATION


                    SECONDARY

                    DISTRIBUTION

                    IS TO INDIVIDUALS
                    WHO HAVE REQUESTED
                    THE INFORMATION
```
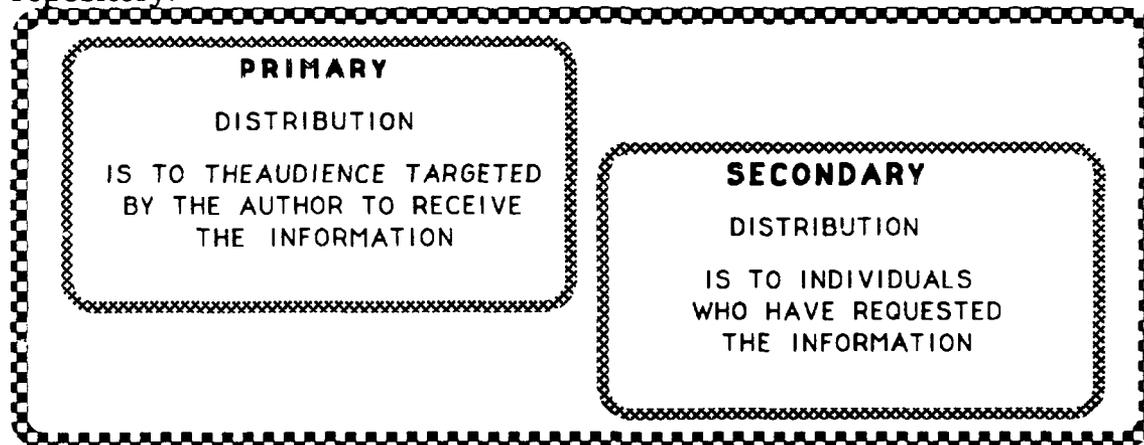
The following distribution statements are authorized for use in marking technical documents. Except for Statement A, these statements apply to both classified and unclassified documents.

Distribution Statement A

is used on unclassified technical documents that do not contain export-controlled data, and have been approved for public release after a security review and policy determination by the Public Affairs Office.

Distribution Statement B

is used to authorize secondary release of information to US Government agencies who may request it.

Distribution Statement C

is used to authorize secondary distribution to US Government agencies and their contractors.

Distribution Statement D

is used to authorize secondary distribution to DoD components and their contractors.

Distribution Statement E

is used to authorize secondary distribution only to DoD components.

Distribution Statement F

is used when all distribution is to be determined by the controlling DoD office.

Distribution Statement X

is used when there is no intent to limit the audience by using Statements B through F, but the information is subject to Export-Control.

DoD Controlling Offices will provide a reason for selecting statements B, C, D, and E. There are 10 specific reasons that can be cited. These reasons are provided to draw attention to the type of information in the document and to serve as a flag for other special handling requirements, such as proprietary information. The 10 reasons are:

1. "Foreign Government Information" meaning that the distribution is in accordance with the desires of the foreign government that furnished the data.

2. "Proprietary Information" meaning that the information is not owned by the US Government and is protected by a contractor's "limited rights" statement.

3. "Critical Technology" meaning that the information represents advanced new technology or a potentially significant military application of an existing technology.

4. "Test and Evaluation" meaning that the information contains test and evaluation results whose disclosure could cause unfair advantage or disadvantage to the manufacturer of the product.

5. "Contractor Performance Evaluation" meaning that the information contains a management review or contractor performance evaluation of some kind.

6. "Premature Dissemination" meaning that a system or hardware in the developmental or conceptual stage is being reported and is being controlled to protect the inventor's right to obtain a patent.

7. "Administrative or Operational Use" meaning that the information is solely for official use or strictly for administrative or operational purposes.

8. "Software Documentation" meaning that the information is only releasable after the requestor has signed a "Statement of Terms".

9. "Specific Authority" meaning that the information, while not specifically included in other reasons, is protected by a documented authority such as an Executive Order.

10. "Direct Military Support" meaning that the information is of such high military significance that release for other than direct support of a DoD approved activity would jeopardize an important military advantage for the United States.

Only certain combinations of distribution statements and reasons for their selection make sense and should be used. Information can be limited to "DoD Components Only", specified by Statement E, for any of the 10 reasons. Information can be limited to "US Government Agencies Only", specified by Statement B, for any of the 10 reasons except "Direct Military Support."

STATEMENT	REASON	1	2	3	4	5	6	7	8	9	10
	B	*	*	*	*	*	*	*	*	*	
	C	*		*				*		*	
	D	*		*				*		*	
	E	*	*	*	*	*	*	*	*	*	*

The reasons **not** to allow contractor access are fairly obvious and include "Proprietary Information," "Test and Evaluation," "Contractor

Performance Evaluation," "Premature Dissemination," "Software Documentation," and "Direct Military Support."

Information marked with distribution statement X must also be marked with the export-control law statement which will be discussed later. The export-control statement may also be used on documents marked with distribution statements B through F, if they contain export-controlled technical data.

Also note that a destruction notice is now **optional** on unclassified/limited documents, as opposed to being a requirement.

Department of Defense
INFORMATION
DISTRIBUTION STATEMENTS

STATEMENT A
Approved for public release,
distribution unlimited

STATEMENT B
Distribution authorized to U.S. Government agencies only,
(reason 1 2 3 4 5 6 7 8 or 9, date)
Other requests for this document will be referred to
(controlling DoD office)

→ May need
EXPORT-CONTROL
statement.

STATEMENT C
Distribution authorized to U.S. Government agencies and
their contractors, (reason 1 3 7 8 or 9, date)
Other requests for this document will be referred to
(controlling DoD office)

→ May need
EXPORT-CONTROL
statement.

STATEMENT D
Distribution authorized to U.S. Department of Defense and
U.S. DoD contractors only, (reason 1 3 7 8 or 9, date)
Other requests for this document will be referred to
(controlling DoD office)

→ May need
EXPORT-CONTROL
statement.

STATEMENT E
Distribution authorized to DoD components only,
(reason 1 2 3 4 5 6 7 8 9 or 10, date) Other requests for
this document will be referred to (controlling DoD office)

→ May need
EXPORT-CONTROL
statement.

STATEMENT F
Further dissemination only as directed by (controlling DoD
office),(date), or higher DoD authority.

→ May need
EXPORT-CONTROL
statement.

STATEMENT X
Distribution authorized to U.S. Government agencies and
private individuals or enterprises eligible to obtain export-
controlled technical data in accordance with regulations
implementing 10 U.S.C. 140c, (date) Other requests for
this document shall be referred to (controlling DoD office

→ MUST include
EXPORT-CONTROL
statement.
X never on
classified.

LIMITATION REASONS
================

1 FOREIGN GOVERNMENT INFORMATION
2 PROPRIETARY INFORMATION
3 CRITICAL TECHNOLOGY
4 TEST AND EVALUATION
5 CONTRACTOR PERFORMANCE EVALUATION
6 PREMATURE DISSEMINATION
7 ADMINISTRATIVE OR OPERATIONAL USE
8 SOFTWARE DOCUMENTATION
9 SPECIFIC AUTHORITY
10 DIRECT MILITARY SUPPORT

Statement A goes only on documents
that are unclassified, unlimited

All unclassified documents that have
a controlled distribution carry a
distribution limitation statement

The distribution control of classified
documents is by their classification and
with a distribution statement

Destruction notice, required on classified
documents, is optional on unclassified,
limited documents

For those looking at this material on the floppy disc, the chart above may be easily printed out from the separate file on this disc, labled "Distribution Statements". For those using the paper report copy of the disc, the chart is appended at the end.

The chart may be used as a convenient at-hand reference but be sure to always refer to the AFP 80-30, <u>Marking Documents</u> <u>with Export-Control and Distribution-Limitation</u> <u>Statements</u> as amended by DoD Directive DoDD 5230.24, 18 March 1987, <u>Distribution Statements on Technical Documents</u>, with the supporting AFR in process as of the date of this document in hand, for clarification and precise understanding.

5. The purpose of the export control warning statement.

Script:

The purpose of the export-control warning statement is to identify documents that contain export-controlled information. These documents must be marked with both the export-control warning statement and an appropriate distribution statement.

The specific wording of the export-control warning is: ....

WARNING - This document contains technical data whose export is restricted by the Arms Export Control Act (Title 22, U.S.C. SEC 2751, et seq.) or the Export Administration Act of 1979, as amended, Title 50, U.S.C., App 2401 et seq. Violations of these export control laws are subject to severe criminal penalties. Disseminate in accordance with provisions of DoD Directive 5230.25.

'In case there isn't room for this full statement, the abbreviated form is:

Warning: Export-Controlled.

An important thing to keep in mind is that export-control marking is separate from the distribution marking and serves a different purpose. Also, all documents containing export-controlled information, independent of classification, should be marked.

6.   Export-control determination.

Script:

The determination of whether or not specific data is export-controlled is usually neither obvious nor easy. An 8-page guide to help with this determination is included as Appendix B in the new Military Standard 1806.

The three documents to be aware of when making an export-control determination are the International Traffic in Arms Regulation, commonly called the ITAR, the Export Administration Regulations, and the Militarily Critical Technology List, commonly called the MCTL.

```
EHPORT CONTROL DOCUMENTS
▬▬▬▬▬▬▬▬▬▬▬▬▬▬▬▬▬▬▬▬
1.   EHport Administration Regulations
2.   International Traffic in Arms Regulation (ITAR)
3.   Militarily Critical Technologies List (MCTL)
```

All defense goods and technical data that are subject to export control fall either within the ITAR or the Export Administration Regulations. The criteria as to whether the item comes under one or the other is a function of its inherent capabilities. If the item has potential for both military and civilian use, it falls under the Export Administration Regulations. If the item is deemed to be inherently military in character, it falls under the ITAR.

Export Administration Regulations are the responsibility of the Department of Commerce, and provide export control policies and practices on almost all goods and technologies. A validated license is required from the Department of Commerce for not only the export of materials, but the export of technical data relating to the controlled materials. The **Commodity Control List** is the heart of these regulations and is about 220 pages long.

The ITAR prohibits the export and import of defense articles and services without the approval of the Department of State. "Defense article" means anything included on the U.S. Munitions List and includes technical data associated with these articles. The **U.S. Munitions List** is

the heart of the ITAR. It is a subject-organized list of defense equipment and topics, and is about 7 pages long.

The Militarily Critical Technology List was developed by the DoD to identify those technologies whose export could increase the military capabilities of potential adversaries to the detriment of U.S. national security.

It is important to note that things are export-controlled only by the Export Administration Regulations or the International Traffic in Arms Regulation. The MCTL is not a control document. It is a reference tool which can help in determining which technologies should be export-controlled.

These, then are the supporting documents. The broad applica·n of these documents in making an export-control determination is:

If the data cannot be used to design, produce, operate, or repair something, it **is exempt** from export-control.

If the data has already been publicly released and is generally available, it **is exempt** from export-control.

If the data is associated with an article that is specifically listed in the US Munitions List, it **is** subject to export-control.

If the data is associated with an article that is specifically listed in the Commodity Control List, it **is** subject to export-control.

Otherwise, the data **probably is not** subject to export-control.
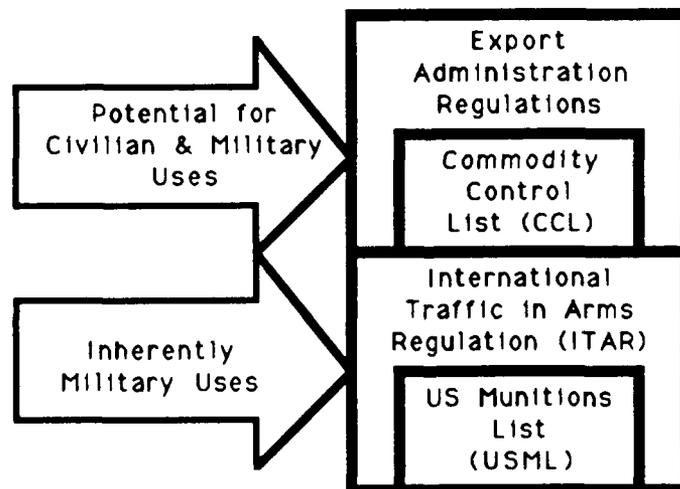
7. The placement of markings on documents and other media.

```
MIL STD 1806
Is now available
```

Script:

The purpose of document marking is to identify the data as needing special handling. All categories of materials including documents, charts, maps, drawings, photographs, films, recordings, transparencies, slides, motion picture films, recordings, microforms, and all types of ADP media need to be marked.

The placement of markings on documents and other information media is detailed in **Military Standard 1806, Marking Technical Data Prepared by or for the Department of Defense.**

In the case of a report, the markings should be placed on the cover or title page. An example of report title page would be:

If the data can be considered a "set" such as a set of view-graphs, diskettes, drawings, or slides, only the first item needs to be marked. Then, only if an individual item is removed from the set would it require marking.

Charts, maps, and drawings should have the appropriate markings at the bottom of each document or set of documents. In addition, if the normal form of the item is rolled, folded, or encased, additional markings shall be placed on the outside so as to be visible in this form. In the case of drawings, the markings will be placed on all single-sheet drawings and on sheet one of multi-sheet drawings.

Photographs shall be marked on the front whenever possible, and roll negatives and positives are to be marked at the beginning and end of each strip.

Motion pictures and video tapes should have titles showing the distribution markings both at the beginning and at the end of the film or tape. The container or reel should also be marked. Similarly, audio tapes should contain a statement read at the beginning and end of the recording so that any listener will know the distribution controls of what is being heard. The container or cassette should also be marked.

Microfiche should be marked on the film itself in the eye-readable area, included in the first image that can be projected from the

microfiche, and on the paper sleeve or envelope used to hold the microfiche. Aperture cards should be marked on the first card of the set.

Diskettes, removable disc cartridges, tapes, and similar removable computer media should be marked on the outside of the cover or container.

*   **documents**   *
*   ----   *

charts
maps
drawings
maps
photographs
films
recordings
transparencies
slides
motion picture films
recordings
microforms
videos
viewgraphs
floppies
aperture cards
computer media
optical discs
paper documents
&
much much more

8.   The responsibility for marking technical data.

Script:

The responsibility for choosing the appropriate distribution statement and determining whether the information is export controlled belongs to the DoD Controlling Office, which is usually the component that generated the information. Contractors can be tasked with applying the distribution and export-control statements (usually as part of the Contract Data Requirements List), but cannot choose them.

It is the responsibility of the STINFO office to assist the originating office in this assignment by understanding the marking systems, giving guidance, and by having copies of the support documents available for review. Then, during processing, checking to ensure that valid and reasonable markings been assigned.

```
STINFO Responsibilities
  -> Provide Guidance
  -> Check Statements

DoD controlling office
determines the
distribution statement
and export control
status

Contractors can apply,
but not choose,
markings
```
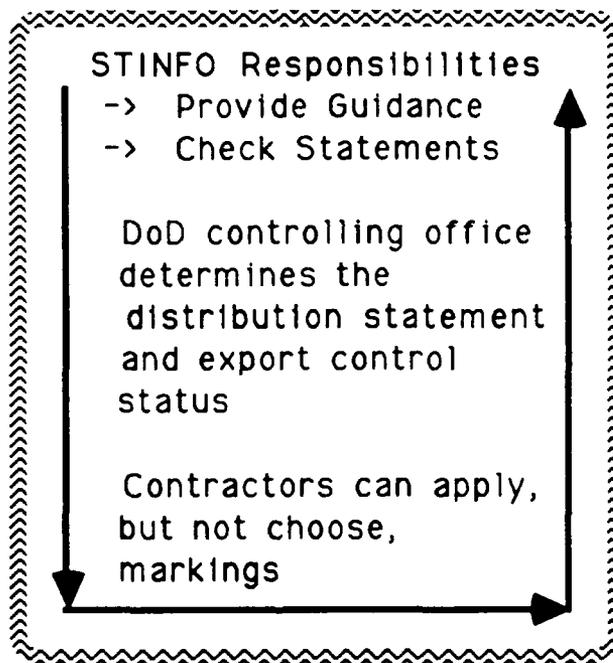
9.   Marking existing technical data.

Script:

The main thrust of the marking system is to control newly created information. There is no <u>requirement</u> to apply markings to old data, but components can choose to mark and control data if it has not yet been released to the public. In general, if unmarked data that has not been placed in the public domain is requested, it should be reviewed and appropriate markings determined and applied at that time.

```
STINFO Responsibilities
-> Control of newly
     created information

No requirement for
marking old data

In general, older
unmarked items
should be marked
when requested
```
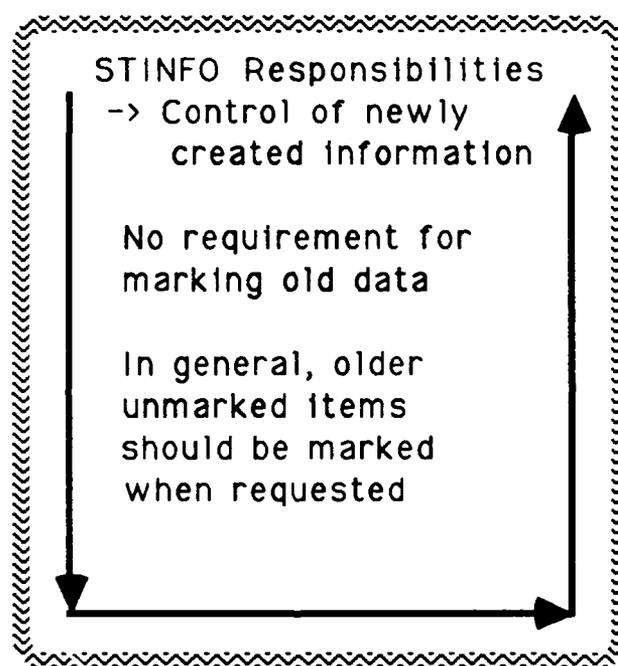
10. Removal of Markings.

Script:

Unlike the classification marking system, there is no provision for the automatic changing of the distribution markings. When conditions permit, the distribution should be changed to reflect the current status of a document.

Two approaches are currently being taken concerning the review of distribution statements. Some organizations are reviewing the continuing need for a particular statement whenever a request for that information is being processed. Other organizations are annually reviewing all documents for which the DoD Controlling Office is still within that organization.

You should be aware that any marked information being changed to **Statement A** must be processed by the local Public Affairs Office for approval. Also, a change in classification does <u>not</u> automatically change any markings.

```
STINFO Responsibilities
->  Review when
        processing requests
OR
->  Review on an annual
    basis

Change in classification
does not automatically
change the markings

Any information
becoming STATEMENT A
needs Public Affairs
approval before
release
```
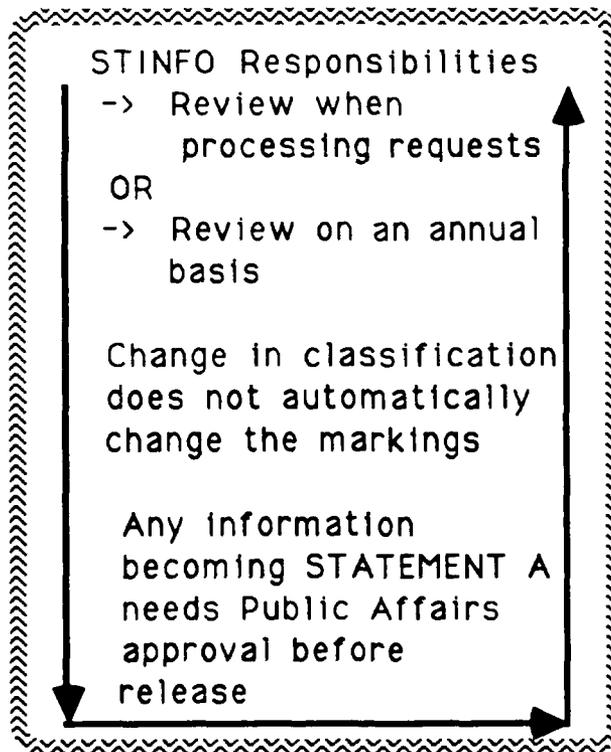
11. The release of technical data. The relation to FOIA. The release of Export-controlled data, registration, etc. The release of AF software.

Script:

Access to information covered by a distribution statement is quite straight-forward. If the requestor is excluded from direct access because, for example, they are a DOE contractor and the information is restricted to DoD and DoD contractors only, the requestor must submit a **DTIC Form 55, Request for Release of Limited Document,** to the DoD Controlling Office for the information. The DoD Controlling Office examines the request and either denies or authorizes the release of the information.

In the case of export-controlled information, the requestor must be certified to obtain this type of information. This involves completing **DD Form 2345,** called an **"Export-Controlled DoD Technical Data Agreement."** The Defense Logistics Services Center, located in Battle C.cck, Michigan approves the certifications and maintains them in a database. Companies that are certified are assigned a certification number and are eligible to receive export-controlled DoD data for a renewable five year period.

The Center also disseminates a list of contractors eligible for access to export-controlled DoD data. This list, which is published quarterly on microfiche, is called the **Certified Contractor Access List.** This list should be checked prior to the release of any Export-Controlled information.

FOIA (Freedom of Information Act) requests for information marked as export-controlled can be denied, since DoD export-controlled information meets the third exemption from the FOIA. AFR 80-34 discusses this situation and contains a sample FOIA denial letter.

A special situation exists in the case of **software.** In order to protect the Air Force from a number of unique situations, such as buying back slightly modified versions of software already paid for, all requests for Air Force software must also include a signed release letter agreeing to a number of stipulations concerning the software.

12. Summary.

Script:

The most important points concerning document marking covered in this video were:

- A new Military Standard 1806 is now available entitled "Marking Technical Data Prepared by or for the Department of Defense."

- Distribution markings are applied in order to authorize the distribution of the information to a select group.

- Only specific distribution statements can be used.

- The distribution statement applies to the secondary distribution of information, not the primary distribution.

- The export-control marking identifies documents that can only be released to certified individuals or companies.

- Distribution limitation and export-control are separate and distinct systems.

- Both distribution limitation and export-control statements will be used on unclassified as well as classified documents.

- All technical information must have a distribution statement if it will be disseminated outside the Department of Defense.

In summary:

The purpose of the Department of Defense marking system is -

To get information to the people who need it,

While protecting against its unwanted transfer.

Properly applied, the current marking systems will keep critical technology from our adversaries while still permitting it to flow freely to government agencies and contractors that need this information.

-[end]

Department of Defense
INFORMATION
DISTRIBUTION STATEMENTS

STATEMENT A
Approved for public release;
distribution unlimited.

STATEMENT B
Distribution authorized to U.S. Government agencies only;
(reason 1 2 3 4 5 6 7 8 or 9, date).
Other requests for this document will be referred to
(controlling DoD office). ⟷ May need EXPORT-CONTROL statement.

STATEMENT C
Distribution authorized to U.S. Government agencies and
their contractors; (reason 1 3 7 8 or 9, date).
Other requests for this document will be referred to
(controlling DoD office). ⟷ May need EXPORT-CONTROL statement.

STATEMENT D
Distribution authorized to U.S. Department of Defense and
U.S. DoD contractors only; (reason 1 3 7 8 or 9, date).
Other requests for this document will be referred to
(controlling DoD office). ⟷ May need EXPORT-CONTROL statement.

STATEMENT E
Distribution authorized to DoD components only;
(reason 1 2 3 4 5 6 7 8 9 or 10, date). Other requests for
this document will be referred to (controlling DoD office). ⟷ May need EXPORT-CONTROL statement.

STATEMENT F
Further dissemination only as directed by (controlling DoD
office),(date), or higher DoD authority.; ⟷ May need EXPORT-CONTROL statement.

STATEMENT X
Distribution authorized to U.S. Government agencies and
private individuals or enterprises eligible to obtain export-
controlled technical data in accordance with regulations
implementing 10 U.S.C. 140c, (date). Other requests for
this document shall be referred to (controlling DoD office. ⟷ **MUST include EXPORT-CONTROL statement. Statement X never placed on classified documents.**

Statement A goes only on documents
that are unclassified and have an
unlimited, open distribution.

All unclassified documents that have
a controlled distribution carry a
distribution limitation statement.

The distribution control of classified
documents is by their classification and
with a distribution statement.

Destruction notice, required on classified
documents, is optional on unclassified,
limited documents.

LIMITATION REASONS
=================
1. FOREIGN GOVERNMENT INFORMATION
2. PROPRIETARY INFORMATION
3. CRITICAL TECHNOLOGY
4. TEST AND EVALUATION
5. CONTRACTOR PERFORMANCE EVALUTION
6. PREMATURE DISSEMINATION
7. ADMINISTRATIVE OR OPERATIONAL USE
8. SOFTWARE DOCUMENTATION
9. SPECIFIC AUTHORITY
10. DIRECT MILITARY SUPPORT

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